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Jean-Luc Bressard

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EXAMINER

MERCHANT, SHAHID R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---------------------------------------|---|--|
| Office Action Summary | Application No. 10/727,417 | Applicant(s) BRESSARD, JEAN-LUC | |
| | Examiner SHAHID R. MERCHANT | Art Unit 3692 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on December 11, 2007.

Claims 1-20 are pending. Claims 1, 3 and 11-18 have been amended.

Response to Arguments

2. Applicant's arguments, see page 12-13, filed December 11, 2007, with respect to claims 11-20 (35 U.S.C. §112, 2nd paragraph and 35 U.S.C. §101) and have been fully considered and are persuasive. The rejection of claims 11-20 (35 U.S.C. §112, 2nd paragraph and 35 U.S.C. §101) has been withdrawn.

3. Applicant's arguments filed December 11, 2007 regarding claims 1-3 and 8-10 (35 U.S.C. §102 (e)) have been fully considered but they are not persuasive. Applicant argues that Vidali does not teach presenting to a consumer a plurality of online consumer layer property conveyancing software applications using a messaging hub web browser associated with a gateway. Examiner disagrees. Vidali does not use terms like consumer layer property conveyancing and messaging hub as the Applicant does. However, Vidali's invention uses terms like electronic workspaces, transaction management system, server and software stored in databases. Paragraph's 50 and 51 of Vidali read on Applicants claim of presenting to a consumer a plurality of online consumer layer property conveyancing software applications using a messaging hub web browser associated with a gateway.

[0050] As shown in FIG. 1B, a real estate transaction management system 100 connects real estate buyers and sellers 102 with real estate agents 104 and other service providers 106 by allowing the parties to communicate and collaborate through a single transaction platform, specifically the transaction management system 100. The transaction management system 100, as shown in

Art Unit: 3692

FIG. 2, connects a plurality of remote computers 110 using an interactive network 114, such as the Internet. The system 100 comprises a central computer known as a server 112 and a plurality of databases 108 containing information which may be selectively accessed by the server 112 and provided to the remote computers 110 over the Internet 114. The plurality of databases 108 may include, for example, a listings database containing information about a plurality of properties for sale and a transactions database containing information about a plurality of real estate transactions and a plurality of parties to the plurality of real estate transactions.

[0051] The server 112 executes software stored in the databases 108 and thereby provides a plurality of electronic workspaces within the transaction management system 100. The electronic workspaces are accessed using the remote computers 110 connected to the server 112 via the Internet 114. The electronic workspaces include agent workspaces 200, buyer workspaces 300, seller workspaces 400, and service provider workspaces 500. The term workspace as used herein refers to an individualized website having multiple web pages and designed for a particular user of the transaction management system. Each workspace allows a respective party to a real estate transaction to selectively access information contained within the databases 108 relevant to that party. Each workspace also allows the parties to communicate information to the workspaces of other transaction parties.

4. Next, Applicant argues that Vidali does not specifically mention web browser.

Examiner disagrees. Examiner notes that the applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. Also, in *In re Bode*, 193 USPQ 12 (CCPA 1977), the court found that every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein. As applied to Vidali, it is within the basic knowledge of a skilled artisan that a web browser is being used when a user is accessing a web site on the Internet (see paragraph 52). In addition, Applicant is advised to review Figures 3-34. Each of these figures consists of screen shots and at the top of each screen shot it recites Microsoft Internet Explorer. One skilled in the art would realize that Microsoft Internet Explorer is a web browser.

5. Next, Applicant argues that Vidali does not teach adaptably channeling a plurality of on-line service provider layer property conveyancing software applications from associated software service providers to said gateway according to selections relating to said intended use of said on-line consumer layer property conveyancing software

application. Examiner disagrees. Vidali teaches in Figures 1B and 7, a plurality of on-line service provider layer property conveyancing software applications from associated software service providers. A user can choose from Financing, Closing, Searching, Learning and Community. These are various software applications that can be accessed by the user using an Internet browser like Microsoft Internet Explorer. Vidali describes what happens if one chooses the Closing option in paragraph 65. Also, paragraph 50-52 describes the service providers involved in a real estate transaction. They include mortgage, insurance, inspection, appraisal, title and escrow providers.

6. Next, Applicant argues that Vidali does not teach interfacing a plurality of on-line service provider layer property conveyancing software applications with a plurality of back-end management software applications serving back-office service providers. Examiner disagrees. Vidali teaches interfacing a plurality of on-line service provider layer property conveyancing software applications in paragraphs 50-52. Examiner notes that the applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. Also, in *In re Bode*, 193 USPQ 12 (CCPA 1977), the court found that every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein. As applied to Vidali, it is within the basic knowledge of a skilled artisan that a web based application inherently has a web server or back-end management software applications serving back-office service providers running in the background. Since Vidali's

invention is web based, it is inherent that a web server is being used to provide a website with multiple web pages (see paragraph 51).

7. Regarding claims 4-7 and 14-17, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-3, 8, 9 and 10 rejected under 35 U.S.C. 102(e) as being anticipated by Vidali, U.S. Patent Application Publication 2004/0143450 (see PTO-892, Ref. A).

10. As per claim 1, Vidali teaches a communications channeling method for channeling communications relating to the electronic conveyancing of property, comprising said steps of: selectably presenting to a consumer a plurality of on-line consumer layer property conveyancing software applications using a messaging hub web browser associated with a gateway, said web browser allowing tailored access to said plurality of on-line consumer layer property conveyancing software applications;

adaptably channeling a plurality of on-line service provider layer property conveyancing software applications from associated software service providers to said gateway according to selections relating to said intended use of said on-line consumer layer property conveyancing software applications; interfacing said plurality of on-line service provider layer property conveyancing software applications with a plurality of back-end management software applications serving back-office service providers, said back-office management software applications for augmenting back-office operations relating to said plurality of on-line service provider layer property conveyancing software applications (see abstract, paragraphs 11, 13, 50-51 and Figure 1B).

11. As per claim 2, Vidali teaches the method of claim 1 as described above. Vidali further teaches wherein said plurality of on-line consumer layer property conveyancing software applications comprises an on-line loan processing software application for processing loan applications, and further comprising the step of linking a plurality of lenders amongst one another for electronically modifying later-generated loan documentation from a first lender with information associated with earlier-generated loan documentation (see paragraphs 94-97 and Figures 1B and 15).

12. As per claim 3, Vidali teaches the method of claim 1 as described above. Vidali further teaches comprising the step of selectably controlling the degree of adaptation and interface complexity associated with said on-line service provider layer property conveyancing software applications for directing validated employee information into a plurality of back-office management software applications (see paragraph 52).

13. As per claim 8, Vidalí teaches the method of claim 1 as described above. Vidalí further teaches wherein said plurality of on-line service provider property conveyancing software applications comprises an on-line real estate data communications software application for recording and communicating real estate purchaser and property information, and further comprising the step of linking a plurality of real estate agents, a plurality of lenders, and a plurality of conveyancing solicitors amongst one another (see paragraphs 128-130).

14. As per claim 9, Vidalí teaches the method of claim 1 as described above. Vidalí further teaches wherein said plurality of on-line service provider property conveyancing software applications comprises an on-line financial advisory data communications software application for recording and communicating financial advisory information, and further comprising the step of linking a plurality of financial advisors, a plurality of real estate agents, a plurality of lenders, and a plurality of conveyancing solicitor amongst one another (see paragraphs 128-130).

15. As per claim 10, Vidalí teaches the method of claim 1 as described above. Vidalí further teaches comprising the step of interfacing said on-line service provider property conveyancing software applications with a plurality of back-end management software applications associated with a plurality of back-office service providers for providing news and related information to users of said on-line consumer layer property conveyancing software applications (see paragraph 130).

16. Claims 11 and 19 recite similar limitations to claim 1 and thus rejected using the same art and rationale in the rejection of claim 1 as set forth above.

17. Claims 12 and 20 recite similar limitations to claim 2 and thus rejected using the same art and rationale in the rejection of claim 2 as set forth above.

18. Claim 13 recites similar limitations to claim 3 and thus rejected using the same art and rationale in the rejection of claim 3 as set forth above.

19. Claim 18 recites similar limitations to claim 8 and thus rejected using the same art and rationale in the rejection of claim 8 as set forth above.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 4-7 and 14-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Vidali, U.S. Patent Application Publication 2004/0143450 (see PTO-892, Ref. A) in view of Dreyer et al, U.S. Patent Application Publication 2004/0064402 (see PTO-892, Ref. B).

22. As per claim 4, Vidali teaches the method of claim 1 as described above. Vidali does not explicitly teach comprising the step of interfacing said on-line service provider layer property conveyancing software applications with a plurality of back-end management software applications associated with a plurality of back-office service providers for alerting said back-office service providers to manually intervene with a property conveyancing transaction.

Dreyer teaches comprising the step of interfacing said on-line service provider layer property conveyancing software applications with a plurality of back-end management software applications associated with a plurality of back-office service providers for alerting said back-office service providers to manually intervene with a property conveyancing transaction (see paragraph 117).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Vidali and Dreyer to alert back-office service providers to intervene with a property transaction because it allows for manual correction of errors on closing documents as taught by Dreyer (see paragraph 117).

23. As per claim 5, Vidali teaches the method of claim 1 as described above. Vidali does not explicitly teach comprising the step of interfacing said on-line service provider layer property conveyancing software applications with a plurality of back-end management software applications associated with a plurality of back-office service providers for alerting said back-office service providers to manually intervene with a property conveyancing transaction according to a predetermined set of risk and securitization policies.

Dreyer teaches comprising the step of interfacing said on-line service provider layer property conveyancing software applications with a plurality of back-end management software applications associated with a plurality of back-office service providers for alerting said back-office service providers to manually intervene with a

property conveyancing transaction according to a predetermined set of risk and securitization policies.

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Vidali and Dreyer to manually intervene with a property conveyancing transaction according to a predetermined set of risk and securitization policies because it allows for manual review of an application to make sure a customer is eligible to receive a mortgage loan as taught by Dreyer (see paragraph 9).

24. As per claims 6 and 7, Vidali teaches the method of claim 1 as described above. Vidali does not explicitly teach comprising the step of interfacing said on-line service provider property conveyancing software applications with a plurality of back-end management software applications associated with a plurality of back-office service providers for automatically verifying the correctness of a property valuation, and in response thereto transmitting an image copy of related property valuation documentation to a predetermined location or mortgage lender.

Dreyer teaches comprising the step of interfacing said on-line service provider property conveyancing software applications with a plurality of back-end management software applications associated with a plurality of back-office service providers for automatically verifying the correctness of a property valuation, and in response thereto transmitting an image copy of related property valuation documentation to a predetermined location or mortgage lender (see paragraphs 8-10 and 117).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Vidali and Dreyer to verify the correctness of a property valuation, and in response thereto transmit an image copy of related property valuation documentation to a predetermined location because it allows for manual review of a property valuation to make sure a customer is eligible to receive a mortgage loan for the value of the property as taught by Dreyer (see paragraph 9 and 10).

25. Claim 14 recites similar limitations to claim 4 and thus rejected using the same art and rationale in the rejection of claim 4 as set forth above.

26. Claim 15 recites similar limitations to claim 5 and thus rejected using the same art and rationale in the rejection of claim 5 as set forth above.

27. Claim 16 recites similar limitations to claim 6 and thus rejected using the same art and rationale in the rejection of claim 6 as set forth above.

28. Claim 17 recites similar limitations to claim 7 and thus rejected using the same art and rationale in the rejection of claim 7 as set forth above.

Conclusion

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3692

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAHID R. MERCHANT whose telephone number is (571)270-1360. The examiner can normally be reached on First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz P. Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRM

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Unit 3692

Application/Control Number: 10/727,417
Art Unit: 3692

Page 13